

# Exhibit 8

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY RAPP and C.D.,

Civil Action No. 1:20-cv-09586(LAK)

Plaintiffs,

- against -

KEVIN SPACEY FOWLER a/k/a KEVIN SPACEY,

Defendant.

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Zoom Deposition

December 22, 2021

11:00 a.m.

EXAMINATION BEFORE TRIAL of the Expert  
Witness, ELIZABETH LOFTUS, pursuant to Order, held  
on the above date and time, via videoconference,  
taken by and before KRYSTINA KORNAK FLORA, RPR, a  
Notary Public within and for the State of New York.

1 - ELIZABETH LOFTUS - 69

2 A. It might have been. I'd have to -- I'd  
3 have to investigate.

4 Q. All right. Have you ever testified on  
5 behalf of a plaintiff in a civil case who was  
6 alleging sexual abuse or sexual assault?

7 A. No. I've consulted on those cases, but  
8 not been asked to testify.

9 Q. Were you involved in the McMartin  
10 preschool case?

11 A. Yes.

12 Q. What was your involvement in that case?

13 A. I consulted in that case.

14 Q. For whom?

15 A. The defense.

16 Q. Did you testify?

17 A. No.

18 Q. Were you involved in the O.J. Simpson  
19 case?

20 A. I consulted in the case, but did not  
21 testify.

22 Q. For whom did you consult?

23 A. I consulted with the defense.

24 Q. Were you involved in the Ted Bundy  
25 case?

1 - ELIZABETH LOFTUS - 70

2 A. I was involved in the first case  
3 involving Mr. Bundy in 1976 in Utah. Yes.

4 Q. As a criminal trial for murder?

5 A. No. It was kidnapping -- attempted  
6 kidnapping.

7 Q. Did you testify in that case?

8 A. Yes.

9 Q. And that was on behalf of Ted Bundy?

10 A. I was called by the defense in that  
11 case, yes.

12 Q. Right. Were you involved in the Rodney  
13 King case?

14 A. I consulted in the case, I did not  
15 testify.

16 Q. For whom were you consulting in that  
17 case?

18 A. I consulted with the defense.

19 Q. The police officers that were accused  
20 of beating Rodney King, right?

21 A. Yes.

22 Q. Okay. We said you testified on behalf  
23 of Harvey Weinstein in a criminal case, right?

24 A. I did, yes.

25 Q. You testified on behalf of Ghislaine

1                                   - ELIZABETH LOFTUS -                                   71

2   Maxwell in a criminal case, right?

3           A.     Yes.

4           Q.     Were you involved in the Menendez

5   brothers case?

6           A.     Yes. I consulted in that case, but did

7   not testify.

8           Q.     For whom did you consult?

9           A.     The defense.

10          Q.     Were you involved in Bosnian war crime

11   cases?

12          A.     Yes. I testified in one of the Bosnian

13   war crimes cases.

14          Q.     What was the gist of your testimony in

15   that case?

16          A.     It had to do with eyewitness

17   identification.

18          Q.     And who were you testifying on behalf

19   of?

20          A.     The defense.

21          Q.     Someone accused of having committed war

22   crimes, right?

23          A.     Somebody who was accused of being

24   present when crimes were taking place.

25          Q.     Did you testify or get involved with

1 - ELIZABETH LOFTUS - 72

2 the Oklahoma City bombing case?

3 A. I consulted in that case, but did not  
4 testify.

5 Q. Who were you consulting on behalf of?

6 A. I consulted with the defense.

7 Q. Were you involved in the Michael  
8 Jackson case in some way?

9 A. I consulted in both of Michael  
10 Jackson's cases, but did not testify.

11 Q. When you talk about both of his cases,  
12 you're talking about allegations of child sexual  
13 abuse?

14 A. Yeah. I was talking about a case that  
15 arose in the '90s, and then a case that arose more  
16 recently.

17 Q. They were child sexual abuse  
18 allegations?

19 A. They were, yes.

20 Q. And you consulted with the defense in  
21 that?

22 A. I was -- yes, I consulted with the  
23 defense, but did not testify.

24 Q. Were you involved with the Martha  
25 Stewart case?

1 - ELIZABETH LOFTUS - 73

2 A. Yes.

3 Q. What was your involvement in that case?

4 A. I consulted with the defense, but did  
5 not testify.

6 Q. Have you recently consulted on any  
7 cases that have been newsworthy that you haven't  
8 testified to yet?

9 A. Well, I'm consulting on other cases at  
10 this time. I don't know how newsworthy they are,  
11 but if they're pending and not public record I might  
12 not feel comfortable mentioning them, but I can't  
13 even think of one that might interest you.

14 Q. Are you currently consulting on other  
15 cases involving sexual abuse?

16 A. Yes.

17 Q. How many?

18 A. Maybe -- in some form or another, maybe  
19 ten cases.

20 Q. Of sexual abuse?

21 A. Oh, I -- well, no, they're different.  
22 They're different kinds of accusations in these  
23 different cases. They're not all sexual abuse.

24 Q. So how many sexual abuse cases are you  
25 consulting on behalf of alleged abusers currently?

1 - ELIZABETH LOFTUS - 74

2 A. Well, I don't know if -- I'm not sure  
3 if I could answer that. Sometimes it's, you know, a  
4 school district and what did they know and did they  
5 know anything.

6 Q. I'll rephrase it.

7 How many cases are you currently  
8 consulting on on behalf of a defendant who is  
9 claimed to be responsible for sexual abuse?

10 A. I don't know. Maybe five. It's just  
11 an estimate.

12 Q. I appreciate that. And you're not  
13 consulting on behalf of any victims of alleged  
14 sexual assault right now, true?

15 A. Not at this time, no.

16 Q. Roughly, how much do you make per year  
17 for your consulting and your testifying in these  
18 cases?

19 MR. SCOLNICK: I object on proxy  
20 grounds.

21 Q. You could answer.

22 A. This would just be an estimate, because  
23 my additional income is -- it includes legal  
24 consulting, speeches, book royalties, and other  
25 kinds of professional income, and, you know, in the



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## CERTIFICATION

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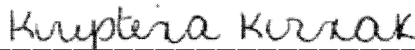
STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NASSAU )

I, KRYSTINA KORNAK, a Notary Public  
within and for the State of New York, do hereby  
certify:

That ELIZABETH LOFTUS the  
witness(es) whose deposition(s) is(are) hereinbefore  
set forth, was(were) duly sworn by me and that such  
deposition(s) is(are) a true and accurate record of  
the testimony given by such witness(es).

I further certify that I am not  
related to any of the parties to the action by blood  
or marriage; and that I am in no way interested in  
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 7th day of January, 2022.



KRYSTINA KORNAK